

1901-004
Lee Co.

Chancery Causes: Gdn. of Frank Gabriel & by vs. Mary Alice Gabriel &

Ward, Barron, Bell, Whittley, Legg, Hood, Hyatt

CA - Estate Dispute
T - Property

To the Honorable H.A.W.Skeen, Judge of the Circuit Court for Lee County, Virginia:

Humbly complaining, your orator, Joshua F. Gabriel, Guardian for Frank Gabriel, Mat Gabriel, Pearl Gabriel, Carl Gabriel, Nettie Gabriel, Troy Gabriel, Lillie Gabriel and Nora Gabriel, respectfully represents that in the partition of the real estate of Samuel Ward, deceased, among his heirs by a certain suit in chancery, lately pending in the circuit court for Lee county, there was assigned to John Barron's heirs by his first wife, who was a daughter of the said Samuel Ward, a tract of land lying in the Wild Cat Valley, in Yokum Station Magisterial District in Lee county, containing one hundred (100) acres, and bounded as follows, to wit: Beginning at a stake on the McGrady line corner to a lot assigned to Lourinda Sturgill, thence N.34 E 110 poles to a stake on the Wm. Young line, thence with said line N.30 W.54 poles to a stake in a field, thence N.51 E 6 poles and 12 links to a stake, N.39 W.28 poles to a peach tree in the lock of a fence, S.75 W. 3 poles to what is supposed to be the old Preston line N.30 W. 46 poles to the forks of a branch S.33 1/2 W.165 poles to a stake, thence S 56 1/2 E.121 poles to the beginning, being known and marked in said partition as Lot No.12.; that the said heirs of the said John G. Barron were five in number; that the late wife of your orator was one of said heirs; that his said wife lately departed this life intestate; that thereupon her interest in said land descended to your orator and the following children, to wit: Lula Bell, wife of _____ Whittley, Mary Alice Gabriel and John W. Gabriel, who are of age, and the above mentioned infants; that three of said infants are over the age of fourteen years, to wit: Frank, Mat, and Carl; that the remaining five of said infants, to wit: Pearl, **Nettie**, Troy, Lillie and Nora are under 14 years of age.

As above stated your orator is guardian for all of said infants as will fully appear from an inspection of a copy of the order of his appointment and a copy of his bond as such which are herewith filed as a part hereof marked respectively, Exhibits "A" and "B".

The object of this bill is to make sale of the interest of said eight infants, the same being an undivided interest, in the real estate above described.

Your orator alleges that it would be greatly to the interest of said infants that this should be done, *and the money arising from said sale put on interest.*

Your orator prays, therefore, that Mary Alice Gabriel, John Gabriel, Lula Whittley, nee Gabriel, Frank Gabriel, Mat Gabriel, Pearl Gabriel, Carl Gabriel, Nettie Gabriel, Troy Gabriel, Lillie Gabriel and Nora Gabriel be made parties defendant hereto; that they be required to answer the same on oath; that a guardian ad litem be appointed to answer for said infants; that order of publication be made against the said defendants, all of whom are non-residents of the State of Virginia; that upon a hearing a decree be rendered appointing a commissioner to make sale of said lands; and that full general relief be granted. May spa. issue &c.

L. T. Hyatt, P. q.

Joshua F. Gabriel

Indian Territory, Southern District, to wit:

I, C. M. Campbell, clerk of the United States Court for the Southern District of Indian Territory, do certify that Joshua F. Gabriel has this day made oath before me in my office that the statements contained in the foregoing bill so far as made on his own knowledge are true; and so far as made from information derived from other sources, he believes them to be true.

Given under my hand this the 12 day of ^{May} ~~November~~, ¹⁹⁰⁰ ~~1899~~.

C. M. Campbell
Clerk

Joshua F. Gabriel;
Guardian re.

vs. $\frac{3}{3}$ In Chancery.
 $\frac{2}{2}$

Mary Alice Gabriel et al

1899-2nd Oct Rules Bill filed
Order Publication a-
gainst all the defts.
+ D. nisi.

1st Nov Rules held
last Monday in Oct.

O.P. completed - D.N.
Conf'd + cause set for
hearing.

To the Honorable H.A.W.Skeen, Judge of the Circuit Court
for Lee County, Virginia:

The answer of Frank ^{abr}Gabriel, Mat ^{abr}Gabriel, Pearl ^{abr}Gabriel, Carl ^{abr}Gabriel, Nettie ^{abr}Gabriel, Troy ^{abr}Gabriel, Lillie ^{abr}Gabriel and Nora ^{abr}Gabriel, infants under the age of 21 years by Geo. P.Cridlin, their Guardian ad litem, assigned to defend them in this suit, to a bill of complaint exhibited against them and others in this honorable Court by Joshua F. ^{abr}Gabriel, Guardian &c.:

The respondents, reserving to themselves the benefit of all just exceptions to the said bill, for answer thereto, or so much thereof, as they are advised that it is material they should answer, by their said Guardian ad litem answer and say:

That they are infants of tender years, and by reason of their infancy, are incapable of understanding, or of taking care of their rights and interests. They therefore by their said Guardian ad litem, commend themselves and their rights and interests to the protection of the Court, and pray that no decree may be pronounced which will tend to their prejudice.

And having fully answered, the said respondents pray to be hence dismissed with their reasonable costs in this behalf expended, and they will ever pray, &c.

Geo. P. Cridlin, Guard. ad litem
for, Frank ^{abr}Gabriel, Mat ^{abr}Gabriel, Pearl ^{abr}Gabriel,
Carl ^{abr}Gabriel, Nettie ^{abr}Gabriel, Troy ^{abr}Gabriel,
Lillie ^{abr}Gabriel, and Nora ^{abr}Gabriel.

Sworn to before me, this the 13th day of June 1900.

A.B. Mursey Clerk

Joshua F. Gabriel
Guardian ad litem

vs. { Answer of
Guardian ad litem

Mary Alice Gabriel et al

Filed in open court and
by leave thereof June 13th
1900. A. J. Munsey Clerk

To the Honorable H.A.W.Skeen, Judge of the Circuit Court for Lee County, Virginia:

The joint and separate answer of Frank Gabriel, Mat Gabriel and Carl Gabriel to a bill exhibited against them and others in said court by their father and guardian, Joshua F. Gabriel.

For answer to said bill respondents say that so far as they are informed, the statements contained in said bill, which has been read to them, are true, and that they believe it would promote their interests to grant the prayer of said bill and invest the proceeds of their interest in said real estate in lands where they reside or put the same at interest for their benefit.

And now having fully answered, these respondents pray to be hence dismissed with their reasonable costs, and they will ever pray &c.

Frank Gabriel — Frank Gabriel
Mat Gabriel — Mat Gabriel
Carl Gabriel — Carl Gabriel

Indian Territory, Southern District, to wit:

I, C.M. Campbell, Clerk of the United States Court for the Southern District of said Territory, do certify that Frank Gabriel, Mat Gabriel and Carl Gabriel, whose answer is above written, each this day personally came before me in my office and made oath that the statements contained in the said answer are true as they verily believe.

Given under my hand this the 12 day of ^{May} ~~November~~, 1899. / 1900

C. M. Campbell

Clerk.

Given under my hand & in the City of Washington, 1-20-00.
Jesse Lee.

The respondents mentioned in the said answer are Jesse Lee, with
his day personally served before me in my office and under oath depose
that Gabriel and Carl Gabriel, whose names, as above written, appear in
Southern District of said Territory, do testify that Frank Gabriel, Jr.,
J. C. M. Campbell, Clerk of the United States Court for the
Indian Territory, Southern District, is a life:

Joshua H. Gabriel, Esq.
vs { In Chancery
Mary Alice Gabriel et al

Answer of Frank,
Mat & Carl Gabriel.

Filed in open court
& by leave then of June
13th 1900.

Ar B Munsey Clerk

and Carl Gabriel to a bill exhibited against them and others in
the Indian and dependent answer of Frank Gabriel, Mat Gabriel
Jesse Lee, et al.

To the Honorable U. S. W. Court, Judge of the Circuit Court for

To the Honorable H.A.W.Skeen, Judge of the Circuit Court for
said County of Lee, State of Virginia:

The joint and separate answer of Mary Alice Gabriel, John Gabriel and Lula Whittley to a bill exhibited against them and others in said court by their father, Joshua F. Gabriel.

Respondents say that so far as they are informed the statements contained in said bill are true; that they believe all the statements therein are true; that they believe the interests of their infant brothers and sisters would be promoted by a sale of their interest in the real estate described in said bill and an investment of the proceeds thereof for their benefit, or loaning the same out at interest.

Respondents have contracted their interest in said lands which contract is to become final when a sale is made of the interests of said infants.

And now having fully answered, respondents pray to be hence dismissed with their costs &c.

Mary Alice Gabriel	<u>Mary Alice Gabriel</u>
John Gabriel	<u>John Gabriel</u>
Lula Whittley	<u>Lula Whittley</u>

Indian Territory, }
Southern District. } s.s.

I, C.M. Campbell, Clerk of the U.S. Court for said District, do certify that Mary Alice Gabriel, John Gabriel and Lula Whittley, whose answer is above written, have each this day personally come before me and made oath that the statements contained therein are true, as they verily believe.

Given under my hand this the 12 day of ^{May} November, 1899/1900

C.M. Campbell
Clerk

Joshua F. Gabriel, Esq.

vs { Sir Chauncery
Mary Alice Gabriel et
al.

Answer of Mary Alice
Gabriel, John Gabriel,
and Lula Whitting.

Filed in open court
and by leave thereof
June 13th, 1900.

A. B. Munsey Clerk

Joshua F. Gabriel, Guardian &c.

Plaintiff.

vs.

In Chancery.

Mary Alice Gabriel, John Gabriel, Lula Whitley,
Frank Gabriel, Mat Gabriel, Pearl Gabriel,
Carl Gabriel, Nettie Gabriel, Troy Gabriel,
Lillie Gabriel, and Nora Gabriel, Defendants.

This cause came on this day to be heard upon the papers formerly read in the cause, and the report of L.T. Hyatt, *filed February 20th, 1901,* Special Commissioner, showing a sale of the undivided interests of the infant defendants, Frank, Mat, Pearl, Carl, Nettie, Troy, Lillie and Nora Gabriel in the tract of land in the bill mentioned to Lilburn Blalock at the price of \$43.60, and was argued by counsel. On consideration whereof, and ~~xxxxxxxxxx~~ the said report having been filed the time required by law and no exceptions having been taken thereto, it is adjudged ordered and decreed that the said report and sale be and they are each hereby confirmed and approved; that the said L.T. Hyatt, special commissioner, disburse the said sum of forty-three dollars and sixty cents to the parties entitled, taking proper receipts, and report his action to court at the next term; that the said L. T. Hyatt, who is hereby appointed a special commissioner for the purpose, do make, execute and deliver to the said Lilburn Blalock a good and sufficient deed, conveying to him, with special warranty, the real estate purchased by him under the proceedings in this cause, and forthwith report his action to court:

And thereupon the said L.T. Hyatt, special commissioner, filed his report and with ^{it} a deed whereby he conveys to the said Lilburn Blalock the undivided interests of the infant defendants, ¹ Frank, ² Mat, ³ Pearl, ⁴ Carl, ⁵ Nettie, ⁶ Troy, ⁷ Lillie and ⁸ Nora Gabriel in and to that certain tract of land, lying in Wild Cat Valley, in Lee County, Virginia, and containing one hundred

acres, being the land assigned to the heirs of John G. Barron, deceased, ~~XXXXXX~~ in the partition of the real estate of Samuel Ward, deceased, among his heirs, the undivided interests of the said infants being $\frac{8}{11}$ of $\frac{1}{5}$ of the said 100-acre tract.. And the said report and deed being unaccepted to, it is adjudged, ordered and decreed that they each be confirmed and approved by the court; that the said Lilburn Blalock pay to the said L.T. Hyatt the sum of five dollars for making the said deed, for which execution may issue; and that this cause be continued-

Joshua S. Gabriel,
Guardian re.

vs { See Chaucery
Mary Alice Ga-
briel et als.

Decree confirming
sale & deed to Lib -
Burr Blalock re
Entered on C. D. C. P. 509.

Enter this decree
H. A. W. Shum
March 4th 1901

Joshua F. Gabriel, Guardian &c.

Plaintiff.

vs.

(In Chancey .)

Mary Alice Gabriel, John Gabriel, Lula Whitley,
Frank Gabriel, Mat Gabriel, Pearl Gabriel,
Carl Gabriel, Nettie Gabriel, Troy Gabriel,
and Nora Gabriel, the seven last named being
infants.....Defendants.

This cause came on again this day to be heard on the bill
of the complainant and exhibits therewith, the answer of the
~~infant~~ infant defendants, Frank, Mat, Pearl, Carl, Nettie, Troy,
Lillie and Nora Gabriel, by Geo. P. Cridlin, their guardian ad
litem assigned to defend them in this suit, the joint and sep-
arate answer of the adult defendants Mary Alice and John Gabriel
and Lula Whitley, the sworn answer of Frank
Mat and Carl Gabriel, infants over the age of fourteen years,
general replication to all of said answers, the depositions of
witnesses, and was argued by counsel.

On consideration whereof, the court is of opinion that
the interests of the infant defendants would be promoted by a
sale of their interest in the real estate described in the bill.
And it is therefore adjudged, ordered and decreed that L. T. Hyatt,
who is hereby appointed a special commissioner for the purpose,
do sell the interests of the said infants in the said real es-
tate by public auction, to the highest bidder, at the front
door of the court-house of Lee County, on some court day, after
having advertised the time, terms and place of sale for at least
thirty days prior thereto by posting three or more written or
printed notices thereof, one of which shall be in the neighbor-
hood where the land lies and another on the front door of the
court-house of said county. But before proceeding to execute
this decree the said commissioner will execute before the clerk

of this court a bond, conditioned according to law, in the penalty of one hundred and fifty dollars. Said sale shall be made on a credit of twelve months time, except as to the costs of this suit and commissions of sale which the said commissioner will require to be paid down in cash on the day of sale, and the said commissioner will require the purchaser to execute bond for the deferred payment with good security; and in addition the title to the said land will be retained to secure the payment of the said purchase money. If however, the purchaser, at said sale shall prefer to pay down for said land the said commissioner is authorized to accept said payment on the day of sale. Said commissioner will report his action hereunder to the next term of this court, and the cause is continued.

Joshua S. Gabriel
vs. Gdore.

vs. Luc Chy.

Mary Alice Gabriel
et. als.

Decree for Sale.

Entered on Chy. O.B.
No. 6 page 460

Enter this decree

H. A. W. Skim

Novr 15, 1900.

Joshua F. Gabriel, Guardian &c.

vs.

Mary Alice Gabriel et al.

On motion of the plaintiff, by his counsel, Geo.P.Cridlin is appointed guardian ad litem for Frank, Mat, Pearl, Carl, Nettie, Troy, Willie and Nora Gabriel, infants defendants; and on motion of the said Geo.P.Cridlin leave is granted him to file the answer of said infants, which answer being sworn to, is filed.

On motion of Frank, Mat and Carl Gabriel, infants over the age of fourteen years, by their counsel, leave is granted them to file their sworn answer, which is accordingly done.

On like motion of Mary Alice Gabriel, John Gabriel and Lula Gabriel, adult defendants, by their counsel, leave is granted them to file their answer, which is accordingly done.

And the ~~XXXXXXXXXXXXXXXXXXXX~~ plaintiff replied generally to each of said answers; and the cause is continued.

Joshua F. Gabriel, Gd. Sc.

vs. (In Chancery.

Mary Alice Gabriel et al.

Decree No. 1, noting filing
of answers, and continuance.

E. C. C. B. No 6
page 21.

Enter this decree,

Hawes
June 13, 1900.

The depositions of J.K.P. Barron and others, taken before
a Comm in Chy.
me, A.B. Munsey, ~~clerk~~ of the Circuit Court for Lee County, Vir-
ginia, on the 15th day of November, 1900, at the office of the
clerk of the county court for said county, to be read as evi-
dence in behalf of the plaintiff in a certain suit in chancery
pending in the circuit court of Lee County, Virginia, in which
Joshua F. Gabriel, Guardian &c. is plaintiff and Mary Alice Ga-
briel and others are defendants, the defendants having been
proceeded against by order of publication.

Present: L.T. Hyatt, counsel for plaintiff.

Geo. P. Cridlin, guardian ad litem for infant de-
fendants.

The witness, J.K.P. Barron, being first duly sworn, deposes
as follows:

Ques. 1.--Please state your age, residence and occupation?

Ans.--I am fifty-five years of age, reside in Turkey Cove,
Lee County, Virginia, and am a farmer.

Ques. 2.--Are you acquainted with the real estate owned by
the defendants in this case, located in the Wild Cat Valley; if
so, state its quality and value in your opinion?

Ans.--I am acquainted with said land. It is an undivided
one-fifth interest in a hundred acre tract of land, more or less,
lies in Wild Cat Valley, between Powells mountain and Wallens ridge,
is very thin, rocky, and is cut in two by the railroad, and also
by a creek; for agricultural purposes is almost worthless. I
had charge of it as agent for the heirs of my brother, John G.
Barron, *for several years* and never got any profits to amount to anything. The
highest rent I ever got in any one year was \$21.00, and the usual
rent was \$10.00 or \$12.00 per annum, and some years I could not

rent it at all.

Ques.3.--Has said tract of land any valuable minerals or timber on it?

Ans.--It has no valuable timber on it, and no minerals that I know of, none has been opened up. The iron ore in that section is higher up on the ridge, that is, that which has been opened up.

Ques.4.--Please state whether or not, in your opinion, the interests of the infant defendants ~~interests~~ would be promoted by a sale of the ~~or~~ said interest in said land, and an investment of the proceeds for their benefit?

Ans.--I think their interests would be promoted, considering the circumstances, their place of residence, the location of the land &c., by a sale of the said land and an investment of the proceeds at the place where they live.

Ques.5.--What relation are you to the said infants?

Ans.--I am their great-uncle.

Ques.6.--Have you not as agent for some of the heirs of John G. Barron sold some of their interests in said land; and if so, at what price?

Ans.--I sold a one-fifth interest in said land for \$60.00, but on account of a misunderstanding about the matter the party to whom I sold gave me \$75.00. Some of the other fifth interests were sold for \$60.00.

Ques.6.--Have you any interest in this case?

Ans.--I have none at all.

And further this witness saith not.

J. K. P. Barron

3.

Dale W. Legg, another witness of lawful age, being first duly sworn, deposes as follows:

Ques. 1.-- Please state your name, age, residence and occupation?

Ans.--Name, Dale W. Legg,; age, forty-eight; residence, Wild Cat Valley, Lee County, Virginia; occupation, miner.

Ques. 2.-- How long have you lived in the Wild Cat Valley?

Ans.--Fifteen years.

Ques. 3.--Are you acquainted with the tract of land which was laid off and assigned to the heirs of John G. Barron in the partition of the lands of Samuel Ward, deceased, situated in Wild Cat Valley?

Ans.--I am. Have known the land about thirty-five years. I live in about one mile of said land.

Ques. 4.--Please state the quality of said land, its value, whether it has any valuable timber or minerals on it?

Ans.--It is thin land, and rough and rocky. I would suppose \$5.00 per acre would be a fair price for the land. It has some timber, but it is not valuable. It has no mineral on it that I know of. It has no buildings on it, that is on the mountain side. There are some buildings on part of the land which is now claimed by the Virginia, Iron Coal and Coke Company.

Ques. 5.--Please state whether or not, in your opinion, the interests of the infant defendants to this suit would be promoted by a sale of their interest in said land and an investment of the proceeds ~~xxx~~ for their benefit at the place where they now reside?

Ans.--It would.

4.

Ques.6.--Have you any interest in this suit?

Ans.-- I have not.

And further this witness saith not.

wit claims 90¢

Dale W. Legg

John Hood, another witness, being duly sworn, deposes as follows:

Ques.1.--State your age, residence and occupation?

Ans.--I am 53 years of age, reside in Wild Cat Valley and am a farmer.

Ques.2.--Are you acquainted with the land partitioned to the heirs of John G. Barron, deceased, in the partition of the real estate of Samuel Ward, deceased, among his heirs, situated in the Wild Cat Valley, and supposed to contain one hundred acres?

Ans.--I am, have known it some eight or ten years. I now reside in about one and one-half miles of it.

Please state whether or not, in your opinion, the interests of the infant defendants would be promoted by a sale of the said lands and an investment of the proceeds in for their benefit at the place where they now reside?

Ans.--It would.

Ques.4.--State, in your opinion, the rental value of the said land?

Ans.--Not over \$10.00 or \$15.00 for the whole tract.

Ques.--Have you any interest in this suit?

Ans.--None at all.

And further this witness saith not.

John ^{his} Hood
mark

J.A.G.Hyatt, another witness, being first duly sworn, deposes as follows:

Ques.1.--State your age, residence and occupation?

Ans.--Age, 60; residence, Jonesville, Virginia; occupation farmer and stock-raiser.

Ques.2.--Are you acquainted with the real estate owned by the defendants in this case, and situated in the Wild Cat Valley?

Ans.--I am. Have known it for 45 years.

Ques.3.--Please state its quality and value?

Ans.--I consider it of poor quality, and not possessing a very great value. It is poor rocky land, and part of it, most of it is steep. It is in a narrow valley and the right of way of the railroad takes up the best part of it.

Ques.4.--Have you not as agent for some of the heirs of John G.Barron sold some interests in said land, and if so, at what price?

Ans.--I sold three one-fifths interests therein at the price of \$60.00 each.

Ques.--Has said land any valuable timber or minerals on it?

Ans.--I don't think it has much timber; I don't know as to the minerals. I have never seen any minerals on it, am not a mineral man or a judge of mineral lands.

Ques.5.--Please state whether or not in your opinion the interests of the ~~infants~~ infant defendants would be promoted by a sale of their interest in said lands and an investment of the proceeds for their benefit at the place where they now reside?

Ans.--I certainly think it would; the land is doing them no good now as it is.

Ques.6.--Have you any interest in this suit?

Ans.--I have none in the world.

And further this deponent saith not.

J. A. G. Hyatt

Virginia, Lee County, to wit:

I, A.B.Munsey, ~~XXXXXXXXXXXXXXXXXXXX~~ a commissioner in chancery for the circuit court of Lee County, do certify that the foregoing depositions of J.K.P.Barron, Dale W.Legg, John Hood, and J.A.G.Hyatt were duly taken, subscribed and sworn to before me at the time and place and for the purposes in the caption mentioned.

Given under my hand this the 15th day of November, 1900

A.B. Munsey, comr. in chy.

Joshua F. Gabriel, Esq
vs { In Chy.
Mary Alice Gabriel
et al.

Depositions.

Filed Nov. 15, 1900
A.B. Munsey Clerk

comp. in open.

tion mentioned.

tore me at the time and place and for the purposes in the caption mentioned were duly taken, subscribed and sworn to beforegoing depositions of J.K.P. Garrison, Lewis W. Legg, John Hood, cery for the circuit court of Lee County, do certify that the I, A.B. Munsey, ~~notary public~~ & commissioner in chancery, Lee County, do wit:

And further this deponent will not.

And--I have none in the world.

Does.d.--Have you any interest in this suit?

In the Clerk's Office of the Circuit Court for the County of Lee,
State of Virginia:

Joshua F. Gabriel, Guardian for &c. Plaintiff.

vs. In Chancery.

Mary Alice Gabriel, John Gabriel, Lela Gabriel, Frank Gabriel, Edith
Gabriel, Pearl Gabriel, Carl Gabriel, Nettie Gabriel, Troy Ga-
briel, Lillie Gabriel, and Nora Gabriel. Defendants.

This day L.T. Hyatt, attorney for the plaintiff, personal-
ly appeared before me, A.B. Manser, Clerk of the said Court, and be-
ing duly sworn, made oath that all of the said defendants in the
said suit are non-residents of the State of Virginia.

Given under my hand this the 20th day of September, 1900.

_____, Clerk.

LAND SALE!

Joshua F. Gabriel, Gdce.
vs. Mary Alice Gabriel et al
IN CHANCERY.

Pursuant to a decree rendered by the Circuit Court of Lee County, Virginia, at the Novr. term, 1900, in the above styled cause, the undersigned will, at public outcry, at the front door of the Court-house of said county, on the first day of the January term, 1901, of the County Court of said county, proceed to sell, to the highest and best bidder, on a credit of twelve months time, except so much as may be necessary to pay the cost of suit and expense of sale

(which are required to be paid in hand), the following described property: The undi-
vided interests of the infants, Frank, Mat,
Pearl, Carl, Nettie, Groy, Nellie and Nora-
Gabriel in and to a certain tract or parcel
of land, lying in Wild Cat Valley, in Lee
County, Virginia, and containing one hun-
dred acres; being the land assigned to the
Heirs of John G. Barrow in the Partition of
the Estate of Samuel Ward, deceased, the
undivided interest being 8/11 of 1/5 of said 100
acre tract.

For a more particular description of the foregoing property reference is here made to
Deed Book No 26 page 313 &c where said
Partition is Recorded in Lee Co. Ct Clerk's office.

Bonds with good and approved personal security will be required of the purchaser for the deferred pay-
ments. This the 20 day of December, 1900.

L. F. Nyau, Special Commisioner.

The bond required by law has been given, A. B. Mursey Clerk.

To the Honorable H.A.W.Skeen, Judge of the Circuit Court
for Lee County, Virginia;

Having been appointed a special commissioner by decree rendered by said court at The November Term, 1900, in the chancery cause therein pending, entitled "JOSHUA F.GABRIEL, Guardian &c. vs. MARY ALICE GABRIEL et al.", and as such directed to make sale of certain real estate therein mentioned, respectfully report that I have executed the said decree in the following manner:

First.--I executed before the clerk of the said court the bond required by the said decree;

Second.--I advertised the sale of the said real estate by posting notices thereof, one at the front door of the courthouse of the said county, one at the Post-office at Jasper, Va., and one on the land to be sold, for thirty days or more prior to the day of sale;

Third.--On the 21st day of January, 1901, being the day fixed in said notice as the day of sale and the first day of the January Term, 1901, of the county court for said county, at the front door of the court-house of said county, at the noon recess of the court, in the presence of quite a large number of citizens, I exposed to sale, by public auction, the said real estate, to wit: The undivided interests of Frank, Mat, Pearl, Carl, Nettie, Troy, Lillie and Nora Gabriel in and to that certain tract or parcel of land, lying in Wild Cat Valley, in Lee County, Virginia, and containing one hundred acres, being the land assigned to the heirs of John G.Barron, deceased, in the partition of the real estate of Samuel Ward, deceased, among his heirs, the undivided interest of the above named infants

being $\frac{8}{11}$ of $\frac{1}{5}$ of the said 100 acre tract, there having been five of the Heirs of John G. Barron, deceased, of whom the deceased mother of the defendants in this suit was one,; when one Lilburn Blalock bid for the interests of the said infants the sum of forty-three dollars and ^{sixty}~~forty~~-three cents, and that being the highest bid offered therefor the said interests of the said infants was knocked off to him at that price. The said Blalock paid the whole amount of his bid down in cash.

Your commissioner recommends a confirmation of this sale.

Very respectfully,

A handwritten signature in cursive script, appearing to read "L. P. Hyatt", written over a horizontal line.

Special Commissioner.

Joshua F. Gabriel
Guardian &c.

vs { Lu Chy.

Mary Alice Gabri-
et et als.

Report of Sale.

Filed Feb'y 20, 1901.
A. B. Murray Clerk

LETTERS OF GUARDIANSHIP.

United States of America,)
INDIAN TERRITORY,) ss.
SOUTHERN DISTRICT.)

To All to Whom These Presents Shall Come Greeting:

KNOW YE, THAT WHEREAS,

Joshua F. Gabriel of
Ardenmore Indian Territory

has on this day, by the United States Court in Probate in and for the said Southern District in the Indian Territory, been appointed Guardian for

Frank Gabriel, Mat Gabriel, Pearl Gabriel, Carl Gabriel, Nettie Gabriel, Iray Gabriel, Lillie Gabriel, Nora Gabriel

minor *S.*, under the age of *21* years, by *his* entering into bond to the United States of

America, for the use of said minor in the sum of *Two hundred* Dollars,

and whereas, the said *Joshua F. Gabriel*

has this day filed *his* Bond in such sum to the United States of America for the use of said minor *S.*, which said Bond stands approved by the Court.

NOW, THEREFORE, *he*, the said

Joshua F. Gabriel

is hereby authorized

and empowered to collect and receive all moneys, property and effects that are now, or hereafter

may become due to *his* said ward *S.*, and in general to do and perform all and singular the

duties devolving upon *him* as such Guardian by law, or that may be enjoined upon *him* by

the lawful order, sentence or decree of any Court having competent jurisdiction.

IN TESTIMONY WHEREOF, I, C. M. CAMPBELL, Clerk of the United States Court in Probate, in

and for the said Southern District in the Indian Territory, hereto set my hand

and affix the seal of said Court, at my office in *Ardenmore*

this *27* day of *April* A. D. 189*9*.

C. M. CAMPBELL,

CLERK U. S. COURT, SOUTHERN DISTRICT, INDIAN TERRITORY.

By _____ DEPUTY.

No.

LETTERS OF GUARDIANSHIP

— GRANTED TO —

Joshua F. Gabriel

Guardian of

*Frank Gabriel, Mat Gabriel,
Pearl Gabriel, Carl Gabriel,
Nettie Gabriel, Troy Gabriel,
Lillie Gabriel & Nora Gabriel*

Minors.

Filed the *27* day
of *April* A. D. 189*9*.

C. M. CAMPBELL, CLERK.

By DEPUTY.

Recorded the day
of A. D. 189....., in
Guardian Record A, Page.....

Approved:

Joshua Townsend
Judge

Ardmoreite Steam Print, Ardmore, I. T.

DIAN TERRITORY, } I do hereby certify that the within and
Southern District } foregoing is a true, perfect and literal
copy of the original instrument filed in my office on the *27* day
of *April* 189*9* at ... *8* O'clock *A.M.*

Witness my hand and official seal at Ardmore, this *27* day

of *April* 189*9*. *C. M. Campbell*
CLERK U. S. COURT SO. DIST. IND. IV.

GUARDIAN'S BOND.

United States of America,

INDIAN TERRITORY,

SOUTHERN DISTRICT.

SS.

Know All Men by these Presents:

THAT WE,

Johna F. Gabriel
as principal, and *Max Wuthmann* and
Sig Simon

as sureties, are held and firmly bound unto the United States of America, in the penal sum of *Two Hundred* Dollars,

for the payment of which, well and truly to be made, we bind ourselves, our heirs, executors and administrators, firmly by these presents.

Signed with our hands and sealed with our seals this *Twenty Sixth* day of *April* A. D. 189*9*.

THE CONDITION OF THIS OBLIGATION IS SUCH, That whereas, the said *Johna F. Gabriel* was on the *27th* day of *April*

A. D. 189*9*, appointed by the United States Court in Probate, in and for the said Southern District in the Indian Territory, Guardian of *Frank Gabriel, Mat Gabriel, Pearl Gabriel,*

Carl Gabriel, Nettie Gabriel, Troy Gabriel, Lillie Gabriel,
Kora Gabriel minor heirs of *Lorenza Gabriel*

deceased, under the age of *Twenty One* years. Now, if the said

Johna F. Gabriel shall fully render according to law, just and true accounts of his Guardianship, and if the said *Johna F. Gabriel*,

his heirs, executors or administrators, upon the determination or ceasing of such Guardianship, shall deliver and pay to the said minors, their executors or administrators, or any Guardian that may be appointed for them after the determination or ceasing of the Guardianship of said

Johna F. Gabriel all moneys, property and effects belonging to said minors in the possession or under the control of the said Guardian, and that shall be due to said minors from the said Guardian, and if the said Guardian shall in all things faithfully perform and fulfill his duty as Guardian as aforesaid, then this obligation shall be void and of no effect; otherwise to be and remain in full force and virtue.

Johna F. Gabriel
Max Wuthmann
Sig Simon



United States of America,

INDIAN TERRITORY,

SOUTHERN DISTRICT.

SS.

WE, the undersigned principal and sureties on the within Guardian's Bond, do each of us solemnly swear that we are worth over and above our indebtedness and all liabilities and executions, the respective amounts set opposite our names, and that our property is within the Indian Territory:

\$

\$

\$

\$

Subscribed and sworn to before me this day of A. D. 189.....

C. M. CAMPBELL,

CLERK U. S. COURT, SOUTHERN DISTRICT, INDIAN TERRITORY.

By.....

DEPUTY.

Guardian's Bond

Adina X F. Johnson
Guardian, Minor Heirs of
Abundia Johnson

Amount, \$200.00

Filed
FILED
189.....

C. M. CAMPBELL, CLERK.
1899 JUN 11

C. M. CAMPBELL, Clerk.
DEPUTY.

Recorded in Guardian's Record.....

Page.....

Ardmorelle Steam Print, Ardmore, I. T.

Adina X F. Johnson
Abundia Johnson
George

INDIAN TERRITORY, } I do hereby certify that the within and
Southern District } foregoing is a true, perfect and literal
copy of the original instrument filed in my office on the 27 day
of 1899 at 8 O'clock A.M.

Witness my hand and official seal at Ardmore, this 27 day
of 1899.

C. M. Campbell
CLERK U. S. COURT SO. DIST. IND. T.

CERTIFICATE OF
ORDER OF PUBLICATION.

I, A. M. Goins, Editor of the **SOUTH-
WEST VIRGINIAN**, a weekly newspa-
per published at Jonesville, Lee County,
Va., do hereby certify that the annex-
ed notice was published in said paper
once a week for four successive weeks,

commencing on the 21st day of

Sept., 1899.

A. M. Goins, EDITOR.

FEE, \$5.00

VIRGINIA-In the Clerk's Office of
the circuit court of the County of Lee
on the 20th day of September, 1899.

Joshua F. Gabriel, Guardian &c., Pltff.
vs. In Chancery.

Mary Alice Gabriel, John Gabriel, Lula
Gabriel, Frank Gabriel, Mat Ga-
briel, Pearl Gabriel, Carl Gabriel,
Nettie Gabriel, Troy Gabriel, Lillie
Gabriel, and Nora Gabriel, Dfdnts.

The object of this suit is to sell the
interests of the eight defendants last
named, who are infants, in a tract of
land situated in the Wild Cat Valley.

And an affidavit having been made
and filed that the defendants are all
non-residents of the State of Virginia,
it is ordered that they do appear here
within fifteen days after due publica-
tion hereof, and do what may be nec-
essary to protect their interest in this
suit. And it is further ordered that a
copy hereof be published once a week
for four weeks in the Southwest Vir-
ginian, and that a copy be posted at the
front door of the court-house of this
county on the first day of the next term
of the county court.

A copy—Teste:

A. B. MUNSEY, Clerk.

L. T. Hyatt, p. q.

9-21-99-4t

ORDER OF PUBLICATION.

Joshua F. Gabriel, Guarite

VS.

IN CHANCERY.

Mary Alice Gabriel et al.

FEE

\$5⁰⁰